

### **REMARKS**

In its Decision, the Board sustained the Examiner's rejection of claims 1-5, 7-11, 13, and 15-18. However, the Board did not sustain rejection of claims **6, 12, 14,** and **19**.

Accordingly, to place this application in condition for allowance, the Applicants/Appellants: (i) will NOT appeal the Board's decision; (i) hereby cancel the claims wherein the Board sustained the rejections by the Examiner (namely, claims 1-5, 7-11, 13, and 15-18) (without prejudice); (iii) by this Response, modify claim 6 so that it incorporates all of the limitations of claim 1, the claim upon which claim 6 depends; and (iv) by this Response, modify claim 12 so that it incorporates all of the limitations of claim 7, the claim upon which claim 12 depends.

Moreover, so that claims in the issued patent range in order from the broadest claim to the narrowest claim for the three method claims, and so that the method claims are grouped together, it is proposed that the claims be re-arranged as follows: (a) currently amended claim 6 becomes new claim 2; (b) currently amended claim 12 becomes new claim 3; (c) previously presented claim 14 becomes new claim 1; and (d) previously presented claim 19 becomes new claim 4.

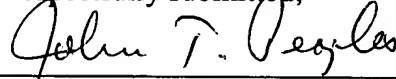
Moreover, to insure that this application passes to issue in a timely manner, the Examiner is reminded that Section **1214.04** of the Manual of Patent Examining Procedure (MPEP) states that: *The examiner should never regard such a reversal [of appealed claims] as a challenge to make a new search to uncover other and better references.*"

Also, in accordance with MPEP Section **1214.06 (III)**, "*the application ... is not considered open to further prosecution*" except, possibly, to certain matters set forth earlier in Section **1414.06 (III)**. However, for this particular patent application, the earlier part of Section **1414.06 (III)** is not relevant (e.g., the Board did NOT reverse the rejection of generic claims in an application containing claims to nonelected species not previously acted upon).

#### STATEMENT IN CONCLUSION

Please expeditiously pass this application to issue with four claims renumbered claims 1-4 in the rearranged order as set forth above.

Respectfully submitted,



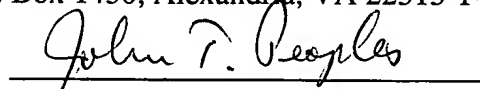
John T. Peoples, Attorney Acting under 37 CFR 1.34  
(Reg. No. 28,250)

Date: 1-3-07

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